



## A BILL FOR AN ORDINANCE

RELATING TO PRIVATE TRANSPORTATION COMPANIES, VEHICLES, AND DRIVERS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to establish additional regulations governing private transportation companies, vehicles, and drivers.

SECTION 2. Section 12-6.11, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 12-6.11 Identification of private transportation vehicles.**

- (a) Upon approval by the director, the private transportation company will direct its drivers on the placement of the trade dress, logo, or company identifier on the personal vehicle or taxicab[, ~~whichever the case may be, but trade dress, logo or company identifier placed on the front and rear bumpers pursuant to this article must be between 2 inches and 3 inches in height, and a minimum of 4 inches in width~~]. The trade dress, logo, or company identifier may be placed on the vehicle's body, but not on the roof (unless it is a taxi sign or dome) or cover any window, vehicle lights, or obscure the view of any mirrors.
- (b) ~~[In addition, any]~~ Any vehicle for hire ~~[which]~~ that transports passengers to and from the Honolulu International Airport ~~[shall]~~ must display permits or decals required by the applicable State laws."

SECTION 3. Chapter 12, Article 6, Revised Ordinances of Honolulu 1990 ("Private Transportation Companies, Vehicles, and Drivers"), is amended by adding three new sections to be appropriately designated by the Revisor of Ordinances and to read as follows:

**"Sec. 12-6.A Director to establish taximeter rates and the maximum fares and baggage charges--Exceptions--Conditions--Receipt required upon request.**

- (a) The director shall establish, by rule, taximeter rates and the maximum fares and baggage charges that may be charged to passengers of private transportation companies. The rules shall not allow surge pricing, as defined herein, if the increased fares or rates under the surge pricing would exceed the maximum fares or taximeter rates established by the director. The director shall review the fares, rates, and charges at least once every two years following the effective



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date of this ordinance, and shall amend the fares, rates, and charges, as necessary, to reflect changes in the private transportation component of the consumer price index for Honolulu, as determined by the United States Bureau of Labor Statistics; provided that the director may amend the fares, rates, and charges more frequently than once every two years if deemed necessary. As used in this section, "surge pricing" means increases in fares, rates, or charges based on increased demand for the services of the private transportation company.

- (b) The fares, rates, or charges established by the director pursuant to this section are subject to the following exceptions or conditions, whichever the case may be:
- (1) When Fares, Rates, or Charges Permitted. Fares or rates are only applicable to the use of the taxicab or personal vehicle when actually occupied by or standing at the direction of the passenger or when occupied by parcels or baggage transported for hire; provided, that no other charges may be made for the use of a taxicab for hire or personal vehicle except as otherwise provided in this section.
  - (2) Taximeter Rates, and Maximum Fares and Baggage Charges to be Posted or Made Available Electronically. The taximeter rates, and maximum fares and baggage charges established by the director pursuant to this section must be:
    - (A) Printed in bold type letters, not less than three-sixteenths of an inch in height, posted in a location in the interior of the vehicle that is readily visible to all passengers; or
    - (B) Made available to a passenger electronically on the passenger's mobile device.
  - (3) Exceptions and Conditions for Use of Fares, Rates, or Charges Lower Than Those Established in this Section. A taxicab driver or taxicab company may adjust the taximeters on a taxicab so that lower taximeter rates and lower charges may be assessed than those established pursuant to this section; provided that if a taxicab driver or taxicab company owns or operates more than one taxicab, all of the taxicabs shall have their taximeters adjusted to the lower rate or charge; and provided further, that such lower rate or charge must be posted. A private transportation driver or private transportation company may waive the baggage charges established by the director pursuant to this section.



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- (4) This section shall not be construed to preclude a taxicab driver or taxicab company from:
- (A) Charging a passenger less than the amount due as indicated by the taximeter; or
  - (B) Charging a passenger in excess of the taximeter rate; provided that:
    - (i) The taxicab company discloses the total fare or fare range electronically on the passenger's mobile device prior to the confirmation of the ride; and
    - (ii) The total fare does not exceed the maximum fare established by the director pursuant to this section.
- (c) Receipt Required upon Request.
- (1) Upon completion of the ride, the private transportation driver shall, upon request, provide at least one passenger with a legible receipt that specifies the following information:
    - (A) The origin, destination, time and date of the service;
    - (B) All fares, charges, and surcharges;
    - (C) The name of the private transportation driver; the printed name and telephone number of the private transportation company;
    - (D) A telephone number, as designated by the director, to call for the filing of complaints; and
    - (E) Any other information deemed necessary by the director.
  - (2) The receipt required by subdivision (1) may be provided by hard copy or by electronic delivery by email or text message.
  - (3) All taxicab receipt forms must be approved by the director before use by a taxicab company.



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### **Sec. 12-6.B Taximeters.**

- (a) Installation. Each taxicab must be equipped with a digital electronic taximeter calibrated to charge not more than the current taximeter rate established by the director pursuant to Section 12-6.A and which must meet or exceed the requirements of subsection (b).
- (b) The specifications, tolerances, and other technical requirements relating to the taximeter shall be as established by the Measurement Standards Branch of the State of Hawaii Department of Agriculture. The operation, visibility, lighting and inspection of the meters will conform to all applicable state laws or regulations.
- (c) Inspection. No driver, owner, or operator of a taxicab or taxi stand shall use or cause to be used a taxicab for purposes of hire before the taximeter, installed therein, has been inspected for accuracy in accordance with all applicable laws and regulations.

### **Sec. 12-6.C Disclosure of total fare or fare range—transportation network company.**

- (a) A transportation network company's digital network must disclose the total fare or fare range to a person requesting a ride prior to the confirmation of the ride.
- (b) The disclosure required by this section must be made available to the passenger electronically on the passenger's mobile device."

SECTION 4. Section 12-1.11, Revised Ordinances of Honolulu 1990, is amended by amending subsection (e) to read as follows:

- "(e) A baggage fee may be assessed during jitney operations according to the fee for baggage established by the director pursuant to Section [12-1.10.] 12-6.A."
- SECTION 5. Section 12-1.8, Revised Ordinances of Honolulu 1990, is repealed:

### **[~~"Sec. 12-1.8 Taximeters.~~**

- ~~(a) Installation. Each taxicab shall be equipped with a digital electronic taximeter calibrated to charge the current fare established pursuant to Section 12-1.10 and which shall meet or exceed the requirements of subsection (b).~~
- ~~(b) The specifications, tolerances, and other technical requirements relating thereto shall be as established by the state division of weights and measures. The~~



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~~operation, visibility, lighting and inspection will conform to all applicable state laws or regulations.~~

~~(c) Inspection. No driver, owner or operator of a taxicab or taxi stand shall use or cause to be used a taxicab for purposes of hire before the taximeter, installed therein, has been inspected for accuracy in accordance with all applicable laws and regulations.~~

~~(d) Current Rates. No driver, owner or operator of a taxicab or taxi stand shall use or cause to be used for purposes of hire, a taxicab installed with a taximeter not reflecting the current rates." ]~~

SECTION 6. Section 12-1.10, Revised Ordinances of Honolulu 1990, is repealed:

~~["Sec. 12-1.10 Director to establish rate of fare and baggage charge—  
Exceptions—Conditions—Receipt required upon request.~~

~~(a) The maximum fares and baggage charges that may be charged to passengers of taxicabs shall be established by the director. The fares and charges shall be established by rules adopted by the director. The fares and charges shall be reviewed by the director at least once every two years following January 1, 1992 and shall be amended, as necessary, to reflect changes in the private transportation component of the consumer price index for Honolulu, as determined by the U.S. Bureau of Labor Statistics; provided, that the director may amend the fares and charges more frequently than once every two years if deemed necessary.~~

~~(b) In addition to the fares and charges established in subsection (a), the director may establish a fuel surcharge for taxicab operators to be charged to passengers. Every six months, the director shall determine whether a fuel surcharge should be established based on any increase in the base amount and the average fuel prices. Any fuel surcharge shall be established by rules adopted by the director pursuant to HRS Chapter 91.~~

~~(c) The fares or charges established pursuant to this section shall be subject to the following exceptions or conditions, whichever the case may be:~~

~~(1) When Fares or Charges Permitted. Fares are only applicable to the use of the taxicab when actually occupied by or standing at the direction of the passenger for hire or when occupied by parcels or baggage transported~~



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~~for hire; provided, that no other charges shall be made for the use of a taxicab for hire except as provided herein.~~

- ~~(2) Posting of Fares and Charges. The schedule of fares and charges established pursuant to this section shall be printed in bold type letters, not less than three sixteenths of an inch in height, posted within 12 inches of the taximeters and readily visible to all passengers for hire.~~
- ~~(3) Exceptions and Conditions for Use of Fares and Charges Lower Than Those Established. A taxicab driver or taxicab company may adjust the meters on a taxicab so that a lower fare or charge may be assessed than those established pursuant to this section; provided, that if a taxicab driver or taxicab company owns or operates more than one taxicab, all of the taxicabs shall have their taximeters adjusted to the lower fare or charge; and provided further, that such lower fare or charge shall be posted as prescribed in paragraph (2). The taxicab driver or taxicab company may waive the baggage charges established pursuant to this section.~~
- ~~(4) This section shall not be construed to preclude a taxicab driver or taxicab company from charging a passenger less than the amount due indicated by the taximeter.~~
- ~~(5) The fares for shared ride taxicab service shall be established by the tariff filed under Section 12-1.24, rather than the fares and charges established pursuant to this section.~~

~~(d) Receipt Required upon Request.~~

- ~~(1) At the end of the taxicab trip, the operator shall upon request provide at least one passenger with a receipt that records the following information: origin, destination, time and date of the taxicab service; all fares and charges; the name of the taxicab operator, printed or written so that it is legible; the printed name and telephone number of the taxicab company; a telephone number, as designated by the director, to call for the filing of complaints; and any other information deemed necessary by the director.~~
- ~~(2) All taxicab receipt forms shall be approved by the director before use by a taxicab company."~~

SECTION 7. Section 12-1.20, Revised Ordinances of Honolulu 1990, is repealed:

~~["Sec. 12-1.20 Taxicab certification numbers.~~



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~~No person may operate a taxicab unless the taxicab is clearly identified and marked as prescribed herein with a taxicab certification number assigned by the director. The taxicab certification number shall be prominently posted on the exterior surfaces of the front and rear bumpers and on the sign or dome light, described in Section 12-1.16, of the taxicab. The taxicab certification number posted on the taxicab as prescribed in this section must be no less than two inches in height, and must conform to such other requirements or specifications as the director may prescribe by rule."~~

SECTION 8. Section 12-6.8, Revised Ordinances of Honolulu 1990, is repealed:

~~["Sec. 12-6.8 — Receipt.~~

~~Either the private transportation driver or the private transportation company, as applicable, must, upon request, provide any passenger with a printed or electronic receipt showing the total fare paid, and any other information specified by the director."~~

SECTION 9. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring. In codifying the new sections in SECTION 3 of this ordinance, the Revisor of Ordinances shall:

- (1) Replace the phrase "the effective date of this ordinance" with the actual date on which this ordinance takes effect; and
- (2) Substitute appropriate section numbers for the letters used in designating the new sections.

SECTION 10. Until such time that the Director of Customer Services adopts rules to establish the taximeter rate, and maximum fares and baggage charges that may be charged to passengers of private transportation companies as required by new ROH Section 12-6.A (in SECTION 3 of this ordinance), existing maximum fares and baggage charges that are currently in effect for taxicabs and jitney operations, as set by the Director of Customer Services pursuant to ROH Section 12-1.10, shall remain in effect.



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SECTION 11. This ordinance takes effect upon its approval.

INTRODUCED BY:

Ernest Y. Martin

Ann Kobayashi

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DATE OF INTRODUCTION:

April 24, 2018  
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Karen Lee  
Deputy Corporation Counsel KAREN LEE

APPROVED this 18<sup>th</sup> day of June, 20 18.

Kirk Caldwell  
KIRK CALDWELL, Mayor  
City and County of Honolulu

FILED  
JUL 20 2018  
PURSUANT TO RCH 3-203.1



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CERTIFICATE

ORDINANCE

BILL 35 (2018), CD1, FD1

Introduced: 04/24/18 By: ERNEST MARTIN


Committee: BUDGET

Title: A BILL FOR AN ORDINANCE RELATING TO PRIVATE TRANSPORTATION COMPANIES, VEHICLES, AND DRIVERS.

Voting Legend: \* = Aye w/Reservations

04/25/18	COUNCIL	BILL ADDED TO THE AGENDA. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE. BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON BUDGET. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
04/28/18	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
05/02/18	BUDGET	CR-174 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING.
05/09/18	COUNCIL/PUBLIC HEARING	CR-174 ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON BUDGET. 9 AYES: ANDERSON, ELEFANTE*, FUKUNAGA, KOBAYASHI, MANAHAN*, MARTIN, MENOR*, OZAWA, PINE.
05/15/18	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
05/23/18	BUDGET	CR-197 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD1 FORM.
06/06/18	COUNCIL	NOTE: PROPOSED FD1 (OCS2018-0551/5/31/2018 2:43 PM) POSTED ON THE AGENDA WAS NOT CONSIDERED. BILL AMENDED TO HAND-CARRIED FD1 (OCS2018-0564/6/4/2018 4:17 PM). 8 AYES: ANDERSON, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE. 1 NO: ELEFANTE. CR-197 AND BILL 35 (2018), CD1, FD1 PASSED THIRD READING. 6 AYES: ANDERSON*, FUKUNAGA, KOBAYASHI, MARTIN, OZAWA*, PINE. 3 NOES: ELEFANTE, MANAHAN, MENOR.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

  
GLEN I. TAKAHASHI, CITY CLERK

  
ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER

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CERTIFICATE

I hereby certify that on June 7, 2018, Bill 35 (2018), CD1, FD1 was presented to the Honorable Kirk Caldwell, Mayor of the City and County of Honolulu, for his approval or otherwise; that on June 19, 2018, the Mayor returned said Bill vetoed; and that the Council failed to reconsider the vote on the Bill within the period specified by Section 3-203 of the Revised Charter.

Dated, Honolulu, State of Hawaii, this 20<sup>th</sup> day of July, 2018.

CITY COUNCIL

By

ERNEST Y. MARTIN  
Chair and Presiding Officer

ATTEST:



*for* GLEN I. TAKAHASHI  
City Clerk